REMARKS

The Office Action dated June 24, 2008 has been received and reviewed. This response, submitted along with a Request for Continued Examination (RCE) and a Petition for a Two Month Extension of time, is directed to that action.

Claims 1, 2 and 15 have been amended, claim 3 has been cancelled and claim 20 is new. Support for the claim amendments and new claim can be found on page 5, lines 18-20 and page 7, lines 14-21 of the specification as filed. No new matter has been added.

The applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks.

Priority

The Examiner stated that the present application's claim to priority can only rely on GB 0404470.7 because the prior two applications, namely GB 0324295.5, filed October 17, 2003, and GB 0404469.9, filed February 28, 2004, do not enable the presently claimed invention "for a number of reasons such as for the concentration ranges of the various claimed elements". (Final Rejection, page 2). The applicants respectfully traverse the Examiner's refusal to acknowledge priority.

Both the earlier filed priority documents teach compositions within the concentration ranges of the presently claimed invention, and therefore satisfy the written description and enablement requirements according to 35 U.S.C. §112, first paragraph. Accordingly, the presently claimed invention is entitled to the priority date of these applications.

With respect to GB 0324295.5, the document teaches soluble glass compositions according to the presently claimed invention. In particular, Table 1b of this application teaches a soluble glass composition squarely within the presently claimed composition. Table GL 1b of GB 0404469.9 also teaches a composition within the presently claimed ranges of the various claimed components. Moreover, both document's specifications teach generally the soluble glass compositions according to the presently claimed invention. Indeed, there is no requirement that a priority document must be identical to the present application in each and every respect.

Because both GB 0324295.5 and GB 0404469.9 enable soluble glass compositions according to the presently claimed invention, the applicants respectfully submit that the present application is entitled to claim priority to each of these documents. Acknowledgement of priority by the Examiner is respectfully solicited.

Claim Rejections- 35 U.S.C. §102

The Examiner rejected claims 1, 3-7, 13-14 and 16-17 under 35 U.S.C. §102(e) as anticipated by Izuki (US 2003/00220182 A1); and claims 8-10 as anticipated by, or in the alternative, obvious over Izuki. The applicants respectfully traverse these rejections.

Izuki is directed to an optical glass composition having an optical constant of a high refractive index. Optical glass compositions are not soluble in water, and therefore differ significantly from the presently claimed invention. Moreover, optical glass compositions contain alkali metal oxide concentrations of less than 20 mol. %, because higher alkali metal oxide concentrations are partly responsible for the solubility of the glass. In this respect, Izuki is no different from standard optical glass compositions, as

Izuki teaches that the alkali metal oxide (Li_2O, Na_2O and K_2O) are limited to a range of between 5.0 to 20.0%. (Col. 3, line 51 through col. 4, line 5).

Contrarily, the presently claimed invention now requires that the alkali metal oxide concentration is *greater* than 20 mol.%, and up to about 50 mol.%, which is clearly outside the range taught in Izuki. Therefore, Izuki does not anticipate the presently claimed invention.

Moreover, a person of ordinary skill in the art, after reading Izuki, would never be motivated to produce a glass composition according to the present claims because the skilled artisan would have no motivation to produce a water-soluble glass based on Izuki's disclosure of an optical glass. Indeed, optical glass and soluble glass are such different compositions that the skilled artisan would not look to the teachings of one when seeking to improve the other. For example, optical glass needs to be cleaned from time to time in order to maintain its clarity and refractive index. For this reason alone, optical glass should never be water-soluble because it would not be possible to clean.

Importantly, Izuki also teaches away from the presently claimed invention. Izuki teaches that alkali metal oxide concentrations should *not* be higher than 20% because anything above this amount leads to unacceptably low refractive indexes. (col. 4, lines 1-2) There is simply no reason why the skilled artisan would *increase* the alkali metal oxide concentration to produce a soluble glass composition after reading Izuki. Indeed, optical glass and soluble glass are such different compositions that the skilled artisan would not look to the teachings of one when seeking to improve the other.

Based on the forgoing reasons, the applicants submit that the presently claimed invention is neither anticipated by, nor obvious over, Izuki, and respectfully request that the Examiner withdraw these rejections.

The Examiner also rejected claims 1, 3, 5-14 and 16-17 under 35 U.S.C. §102(e) as anticipated by Ogino et al. (US 2004/0018933 A1); and claims 4-5 as anticipated by, or in the alternative, obvious over Ogino. The applicants respectfully traverse these rejections.

Like Izuki, discussed hereinabove, Ogino is directed an optical glass composition with a high refractive index. As stated previously, a high (>20%) alkali metal oxide concentration is partly responsible for the solubility of a particular glass composition. Because Ogino teaches an optical glass, the alkali metal oxide concentration would be expected to be below 20%. Indeed, each and every example in Ogino teaches an alkali metal oxide content of less than 20% (See Examples 1-48), and typically less than 10%. (See Examples 1-26, 28, 30, 32-40 and 44-48). Even Ogino's comparative examples teach an alkali metal oxide concentration less that 20%, which clearly suggests that higher concentrations are not even considered comparable to optical glass.

Moreover, Ogino specifically teaches that alkali metal oxide components (i.e., Li_2O, Na_2O and K_2O) should be minimized in optical glass compositions. (col. 10, line 38 to col. 11, line 11).

Accordingly, the applicants submit that the presently claimed invention is neither anticipated by, nor obvious over, Ogino, and respectfully request that the Examiner withdraw these rejections.

The Examiner additionally rejected claims 1, 2-5, 13-14 and 16-17 under 35 U.S.C. §102(e) as anticipated by Kasuga et al. (US 2004/0138043 A1); and claims 6-7, 8-10 and 15 under 35 U.S.C. §103(a) as obvious over Kasuga. The applicants respectfully traverse these rejections.

Kasuga is also directed to an optical glass composition, which is quite different in composition to a soluble glass. Indeed, Kasuga's glass is not water-soluble as in the present invention. Moreover, as discussed hereinabove, the skilled artisan would not look to a reference directed to an optical glass, like Kasuga, for direction when seeking to prepare a soluble glass composition.

Based on the foregoing, the applicants submit that the presently claimed invention is neither anticipated by, nor obvious over, Kasuga, and respectfully request that the Examiner withdraw these rejections.

Claim Rejections- Double Patenting

The Examiner rejected provisionally claims 1, 3-14 and 16-17 on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-8, 10 and 12-14 of copending application no. 10/468,669; claims 1, 3-9 and 13-17 as unpatentable over claims 1-13 and 18-20 of copending application no. 10/575,201; and claims 1, 3-9 and 13-17 as unpatentable over claims 1-13 over copending application no. 10/558,211. The applicants respectfully request that the Examiner hold these rejections in abeyance until all prior art rejections have been overcome. The applicants will revisit these double patenting rejections at such time in view of the claims, and will then evaluate whether to argue over the rejections or submit terminal disclaimer thereto.

The applicants believe the claims are now in condition for allowance, and such favorable action is respectfully requested. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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